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SEP 21 2004

Mailed:

In re application of : DECISION ON  
Falconnier : PETITION  
Serial No. 09/423,665 :  
Filed: November 22, 1999 :  
For: NOVEL CLEAR BEVERAGE OPTIONAL :  
ALCOHOLIC CONTAINING ANETHOL AND CLOUDY :  
DILUTED BEVERAGE OBTAINED BY DILUTION :  
:

This is a response to the reconsideration of the PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW  
FINALITY OF THE OFFICE ACTION mailed December 31, 2001.

Applicant received a decision on their request on June 2, 2004, whereby the petition was granted and it was held that the period for response set forth in the December 2, 2003 office action still applied. However the office action of December 2, 2003 did not take into consideration the amendment that was filed December 31, 2001. Applicants filed a request for a Continued Prosecution Application on February 28, 2002. The CPA Transmittal instructed that the amendment filed on December 31, 2001 was to be entered.

**DECISION**

The instant request has been accepted as a reconsideration of the petition decision of June 2, 2004 under the provisions of 37 CFR 1.181 (no fee).

The amendment filed December 31, 2001 will be entered and the application shall be forwarded to the examiner for a new office action.

The Petition is **GRANTED**.

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